



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

May 13, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special Exceptions to operate an entertainment establishment with alcoholic beverages for on and off-premise consumption – Cogan's Pizza – 4311 Colley Avenue, Suite B**

Reviewed: *RH Williams* Ward/Superward: 2/7

Ronald H. Williams, Jr., Assistant City Manager

Approved: *Marcus D Jones*
Marcus D. Jones, City Manager

Item Number: **R-4**

- I. **Staff Recommendation:** Approval
- II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**
- III. **Request:** To allow Cogan's Pizza to operate a restaurant with entertainment which serves alcoholic beverages to its customers for on and off-premise consumption. The sale of single servings of wine and beer for off-premises consumption would not be allowed.
- IV. **Applicant:** Cogan's Pizza by Richard A. Katz, Jr. – 4311 Colley Avenue, Suite B
- V. **Description**

	Proposed
Hours of Operation	6:00 a.m. until 2:00 a.m., seven days a week
Hours for Indoor Entertainment	10:00 a.m. until 2:00 a.m., seven days a week
Hours for Rooftop Entertainment (no amplified live bands – acoustic only)	10:00 a.m. until 10:00 p.m., seven days a week
Hours for the Sale of Alcohol for On-Premise Consumption	10:00 a.m. until 2:00 a.m., seven days a week
Hours for the Sale of Alcohol for Off-Premise Consumption	6:00 a.m. until 12:00 midnight, seven days a week
Seating Capacity	88 seats indoor, 46 seats outdoor (rooftop), 188 total capacity
Entertainment	9-member band, karaoke, comedian, poetry reading, open mic

Staff point of contact Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated April 24, 2014 with attachments
- Proponents and Opponents
- Ordinances



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

April 24, 2014

From: Matthew Simons, *MS*
City Planner II

Subject: Special Exceptions at 4311
Colley Avenue, Suite B – Cogan's
Pizza:

- a. Operate an Entertainment
Establishment with alcoholic
beverages
- b. Sale of Alcoholic Beverages for
Off-Premises Consumption

Reviewed: Leonard M. Newcomb III, CFM *LMN*
Land Use Services Manager

Ward/Superward: 2/7

Approved: *GMH*
George M. Homewood, AICP CFM
Planning Director

Item Number: 8

I. **Recommendation:** Staff recommends approval of both requests, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.

II. **Applicant:** Richard A Katz, Jr.
4311 Colley Avenue, Suite B

III. **Description:**

- This request would allow Cogan's Pizza to operate a restaurant with entertainment options and serve alcoholic beverages to its customers for on and off-premise consumption.
 - The sale of single servings of wine and beer for off-premises consumption would not be allowed.

IV. **Analysis**

- The site is located on the west side of Colley Avenue between 43rd and 44th Streets within the Highland Park Neighborhood, in a commercial location most recently occupied by Turbo Wash.

Plan Analysis

- The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, or multi-unit residential uses and calls for street edges to be defined with buildings pulled to the street, two-story facades, human-scaled elements such as fences or outdoor seating along the rear of the sidewalk, and street trees or landscaping between the street edge and the sidewalk.
- In order to be fully consistent with *plaNorfolk2030*, a condition should be added to the Special Exception requiring the installation and maintenance of a fence, wall, or hedge along the rear edge of the sidewalks fronting Colley Avenue and 44th Street and improved landscaping within the landscaped area it would enclose.

Zoning Analysis

- The site is located in a C-2 (Corridor Commercial) zoning district, which permits the proposed uses with a Special Exception.

	Proposed
Hours of Operation	6:00 a.m. until 2:00 a.m. seven days a week
Hours for Indoor Entertainment	10:00 a.m. until 2:00 a.m. seven days a week
Hours for Rooftop Entertainment (no amplified live bands – acoustic only)	10:00 a.m. until 10:00 p.m. seven days a week
Hours for the Sale of Alcohol for On-Premise Consumption	10:00 a.m. until 2:00 a.m. seven days a week
Hours for the Sale of Alcohol for Off-Premise Consumption	6:00 a.m. until 12:00 midnight, seven days a week
Seating Capacity	<ul style="list-style-type: none"> • 88 seats indoor • 46 seats outdoor (rooftop) • 188 total capacity
Entertainment	<ul style="list-style-type: none"> • nine-member band • karaoke • comedian • poetry reading • open microphone

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 296 new vehicle trips per day.
 - Based upon ITE data, the prior laundry use on this site would be expected to generate 129 weekday trips while the proposed new restaurant would be expected to generate 425 trips on weekdays.

Parking Analysis

- Off-Street parking is shared amongst two restaurant establishments in one structure.
- A parking analysis was performed to ensure that the parking requirements of both establishments will be met, given the square footage of the former Retail Service use (laundry mat) and the new use with a proposed addition as follows:
 - The building was built in 1956, accommodating 6 off-street parking spaces at that time.
 - The current parking regulations would require 15 parking spaces in order to meet *Zoning Ordinance* requirements for basic commercial uses.
 - Given the structure now has a parking deficiency since the time it was built in 1956, it is now vested for 9 deficiency parking spaces
 - However, in 2000, the adjacent property to the north was acquired, and an additional 9 parking spaces were provided in excess of their 6 actual available spaces and their 9 vested spaces.
 - The additional 9 spaces were provided in excess of what the structure was already vested, which in effect equated to an opportunity to accommodate establishments that would today require up to 24 parking spaces.
 - In 2011, Sam's Texas Sub Shop, was approved in Suite A, with a requirement of 4 parking spaces.
 - The request by Cogan's Pizza requires 20 parking spaces to accommodate the application with a proposed kitchen addition to the rear.
 - Since the additional 9 spaces were added in 2000 and 4 spaces were required in 2011 for the adjacent Sub Shop, the structure is left with 11 available spaces and 9 vested spaces, which adds to 20 total spaces to accommodate the proposed establishment.

Parking Analysis (9 extra spaces added in 2000)			
Required Parking:			
Sam Sub Shop – Suite A		Turbo Wash Laundry Mat – Suite B	
In 2011: 16 seats = 4 spaces		In 2000: 2,802 sq. ft. = 11 spaces	
Commercial Parking Requirement (1 space/250 sq.ft.)	Pre-2000 actual spaces	Pre-2000 Vested Parking	Post-2000 extra parking developed
15	6	9	9
What parking intensity can be accommodated on the site? (6) available + (9) vested + (9) post-2000 addition developed = 24 spaces			
Sam Sub Shop – Suite A		Cogan's Pizza – Suite B	
4 spaces		2,802 sq. ft. + 870 sq. ft. addition = 20 spaces	

- The applicant will meet *Zoning Ordinance* requirements for off-street parking.

V. Financial Impact

- The property owner is current on all taxes.
- Reuse of this currently vacant commercial site will increase meals tax revenue and provide new opportunities for employment.

VI. Environmental

- The site is located in a district surrounded by a mix of commercial, light industrial, and residential uses.
- In addition to the standard conditions applied to all ABC Special Exceptions, the following conditions are proposed to bring the site more into compliance with *Zoning Ordinance* and *plaNorfolk2030* requirements.
 - A fence, wall or hedge shall be installed along the Colley Avenue and 44th Street frontages where possible in order to better delineate the street edge from the sidewalk.
 - Landscaping shall be improved along the lot frontage facing Colley Avenue.
 - Dumpster shall be enclosed in masonry with a gate.

VII. Community Outreach/Notification

- Legal notice was posted on the property on March 18.
- Letters were sent to the Highland Park Civic League on April 3.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Notice was sent to the civic leagues by the Department of Communications and Technology on April 9.
- Legal notification was placed in *The Virginian-Pilot* on April 10 and 17.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of similar ABC Establishments with Special Exceptions
- Applications
- Letter to the Highland Park Civic League

Proponents and Opponents

Proponents

Richard A. Katz, Jr. – Applicant
1114 Llewellyn Mews
Norfolk, VA 23507

David Filipowski – Representative
430 Delaware Avenue, Unit 116
Norfolk, VA 23508

Opponents

None

Form and Correctness Approved:



By

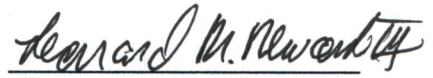


Office of the City Attorney

Contents Approved:



By



DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO COGANS PIZZA, LLC AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "COGAN'S PIZZA" ON PROPERTY LOCATED AT 4311 COLLEY AVENUE, SUITE B.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Cogans Pizza, LLC authorizing the operation of an entertainment establishment named "Cogan's Pizza" on property located at 4311 Colley Avenue, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 50 feet, more or less, along the western line of Colley Avenue, beginning 50 feet, more or less, from the southwest corner of Colley Avenue and 44th Street and extending southwardly; premises numbered 4311 Colley Avenue, Suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 6:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages and for indoor live entertainment shall be from 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours of operation for outdoor live entertainment shall be from 10:00 a.m. until 10:00 p.m., seven days per week.
- (d) The seating for the establishment shall not exceed

88 seats indoors, 46 seats outdoors on the rooftop, and the total occupant capacity, including employees, shall not exceed 188 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (e) No amplified sound shall be permitted in any outdoor area, including the outdoor dining area, after 10:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- (f) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (g) A landscape plan shall be submitted to the Department of Recreation Parks and Open Space for review and approval. The landscaping shall be installed and maintained in accordance with the approved plan, including plantings up to four (4) feet in height, immediately adjacent to and along the interior line of the sidewalks along Colley Avenue and West 44th Street, in accordance with the approved Central Hampton Boulevard Area Plan.
- (h) Entertainment provided outdoors on the rooftop shall not be amplified.
- (i) In order to maintain compliance with applicable fire safety regulations, no portion of the rooftop dining area shall be enclosed and any covering must leave the dining space open on at least three sides.

No portion of the rooftop shall be heated or cooled.

- (j) There shall be no signage or electronic display, including no television, located on the second floor or second story of the building such that it is visible from any portion of a public right-of-way.
- (k) Entertainment shall be limited to live bands having no more than (9) members, karaoke, comedians, poetry reading, and open microphone. No other form of entertainment is permitted.
- (l) There shall be no dance floor provided.
- (m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".
- (n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (o) The establishment shall maintain a current, active business license at all times while in operation.
- (p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (s) The establishment shall maintain a designated driver program which shall provide, at minimum,

that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

- (t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (u) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (w) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor,

employed and compensated by the applicant, shall perform this function.

- (x) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (y) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (z) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (aa) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For

purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permits;
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program;
 - (10) The establishment's Security Plan.
- (bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 141 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (cc) The written security plan submitted to the City as part of the application for this Special Exception

and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)
Exhibit B (12 pages)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 2/14/14

Trade name of business Cogans Rizza

Address of business 4311 Colley Ave Norfolk

Name(s) of business owner(s)* Richard Katz JR. + David Filipowski

Name(s) of property owner(s)* Richard Katz JR. + David Filipowski

Name(s) of business manager(s)/operator(s) Richard Katz JR + David Filipowski

Daytime telephone number (752) 226 8841 (office)

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday	From <u>6am</u> To <u>2 AM</u>	Weekday From <u>10 AM</u> To <u>2 AM</u>
Friday	From <u>6am</u> To <u>2 AM</u>	Friday From <u>10 AM</u> To <u>2 AM</u>
Saturday	From <u>6am</u> To <u>2 AM</u>	Saturday From <u>10 AM</u> To <u>2 AM</u>
Sunday	From <u>6am</u> To <u>2 AM</u>	Sunday From <u>10 AM</u> To <u>2 AM</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☒ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☒ Yes (If more than 4, additional application required) ☐ No

4a. If yes, please describe type and number of each game to be provided:

2 POOL TABLES, 2 ARCADE GAMES

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

ENTERTAINMENT

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

SMERF EVENTS, SOCIAL, MILITARY, EDUCATIONAL, RELIGIOUS, FRATERNAL
WEDDING PARTY, FUND RAISER, BRIDAL EVENTS
Non-profit provides

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☒ Yes ☒ No

7a. If yes, explain:

Nonprofit

8. Will there ever be a minimum age limit?
☒ Yes ☐ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Belmont House of Smoke, Colley Cantina

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility


Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet – Floor Plan A

Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

62
26
34

b. Outdoor

Number of seats

46

c. Number of employees

17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 188

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

9 piece band, 1 open microphone, trivia,
bingo (t-shirt prize)

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

SUB B-45E
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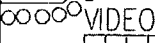


Exhibit A – Floor Plan(s) Worksheet - Floor Plan B
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

62
26
34

b. **Outdoor**

Number of seats

~~111~~ 38

c. **Number of employees**

~~111~~ 17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 188

2. Entertainment

List ANY type of entertainment proposed other than a 2 member live band, karaoke, comedian, or poetry reading.

No amplified live bands on rooftop; all rooftop live music will end by 10pm nightly.

3. Will a dance floor be provided?

☐ Yes

☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

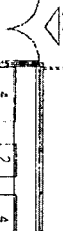
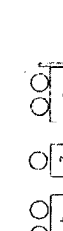
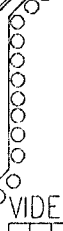
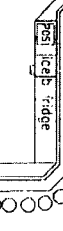
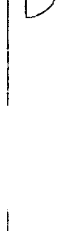
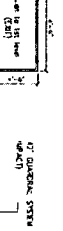
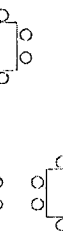
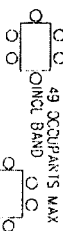
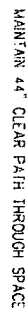
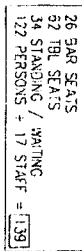
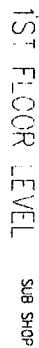
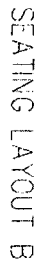
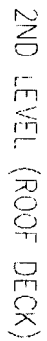
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Floor Plan B



DESIGN OCCUPANCY: A - 2 RESTIMATING 3551 SF / 15 = 122 PERSONS } 139
1ST FLOOR SEATING AREA 1830 SF NET / 15 = 122 PERSONS }
STAFF NON-SEATING AREA 122 SF / 100 = 1 PERSONS }
2ND FLOOR SEATING AREA 423 SF / 100 = 4 PERSONS }
TOTAL OCCUPANCY LOAD ALL AREAS 151 SEATING 139 + 2ND FLOOR 49 = 186
BR CAPACITY 2 EXITING/SEAT = 1750 Males 50 SEATING = 300
EATING REQUIRED 3551 SF / 15 = 20 SEATINGS - 12 ALLOWED = 8 REQUIRED
EATING REQUIRED 3551 SF / 15 = 20 SEATINGS - 12 ALLOWED = 8 REQUIRED

PRELIMINARY DESIGN
COGANS PIZZA
COLLEY AVE
NORFOLK, VA

This assumption and the information provided herein are preliminary. Professional services are not to be commenced in dealings with other parties without written consent of GNS. If unpolitized use is realized, it will be assumed as acceptance of responsibility for appropriate compensation in case of future use.

db³
DESIGN-BUILD
5190 W. Military Hwy
Chesapeake Va 23321
Ph: (757)488-4747
Fax: (757)488-4788

A-10

Exhibit A – Floor Plan(s) Worksheet – floor plan C
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

56
26
40

b. Outdoor

Number of seats

46

c. Number of employees

17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 188

2. Entertainment

List ANY type of entertainment proposed other than a 9 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☐ Yes

☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

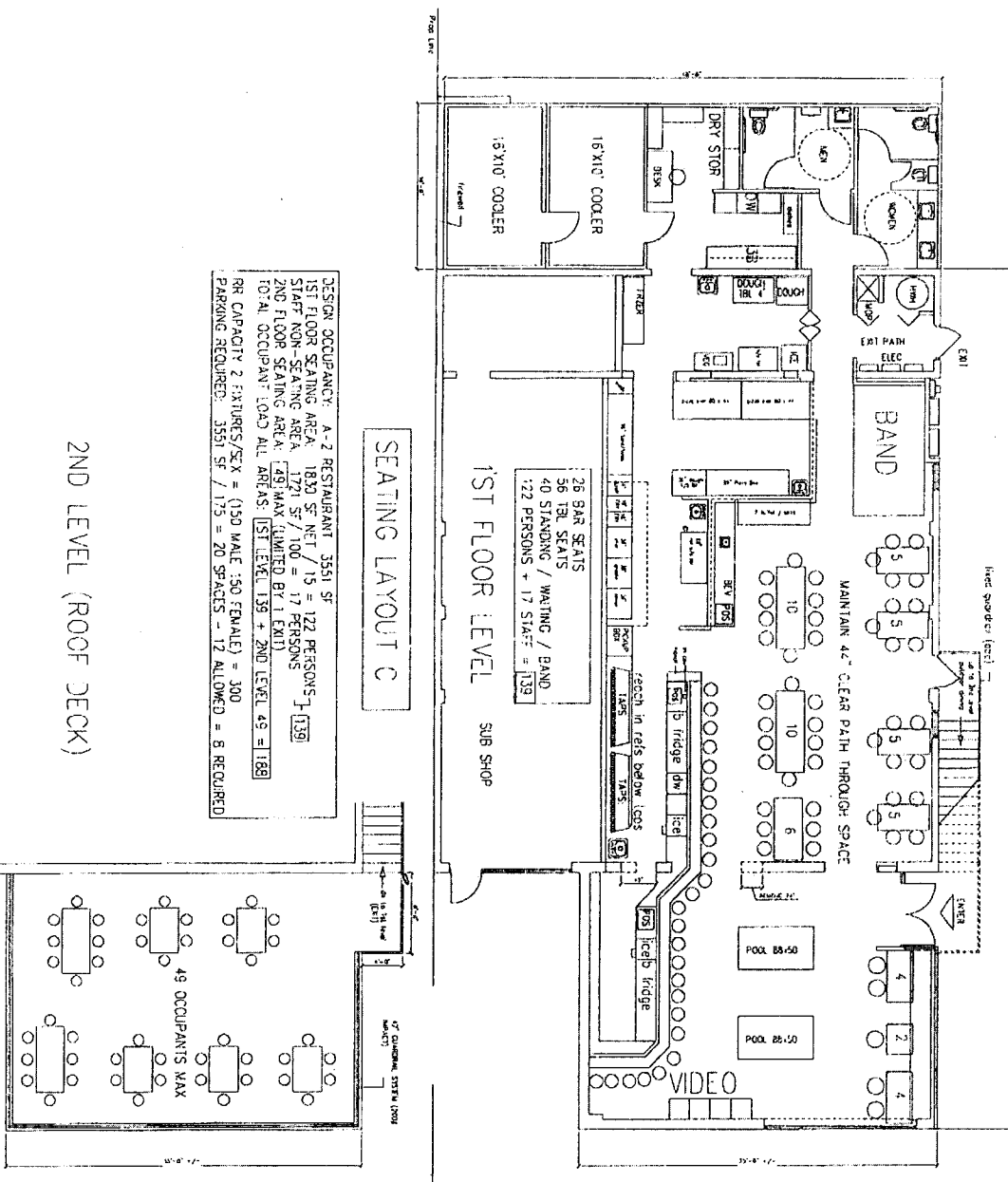
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Floor Plan C



2ND LEVEL (ROOF DECK)

PRELIMINARY DESIGN

COGANS PIZZA
COLLEY AVE
NORFOLK, VA

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6-A
SECRET

Exhibit A – Floor Plan(s) Worksheet - *Floor Plan D*
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

61
26
35

b. Outdoor

Number of seats

46

c. Number of employees

17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 188

2. Entertainment

List ANY type of entertainment proposed other than a 2 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

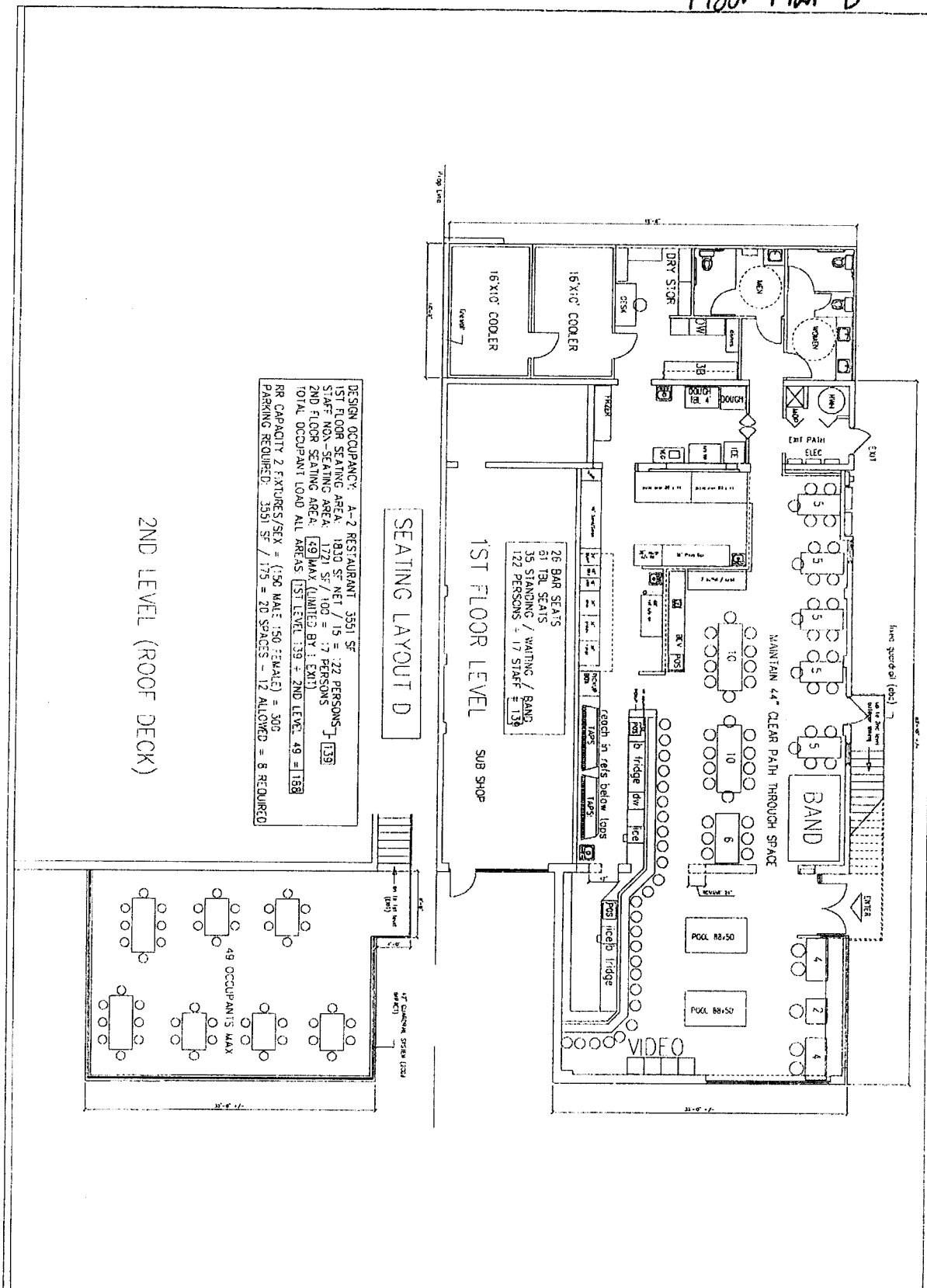
810 Union Street, Room 508

Norfolk, Virginia 23510

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(Revised July 2013)

Floor Plan D



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~~Fla~~

Exhibit A – Floor Plan(s) Worksheet – Floor Plan E
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 61
Number of bar seats 26
Standing room 35

b. Outdoor

Number of seats 98

c. Number of employees

17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 180

2. Entertainment

List ANY type of entertainment proposed other than a 9 member live band, karaoke, comedian, or poetry reading.

No amplified live bands on rooftop; all rooftop live music will end by 10pm nightly

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

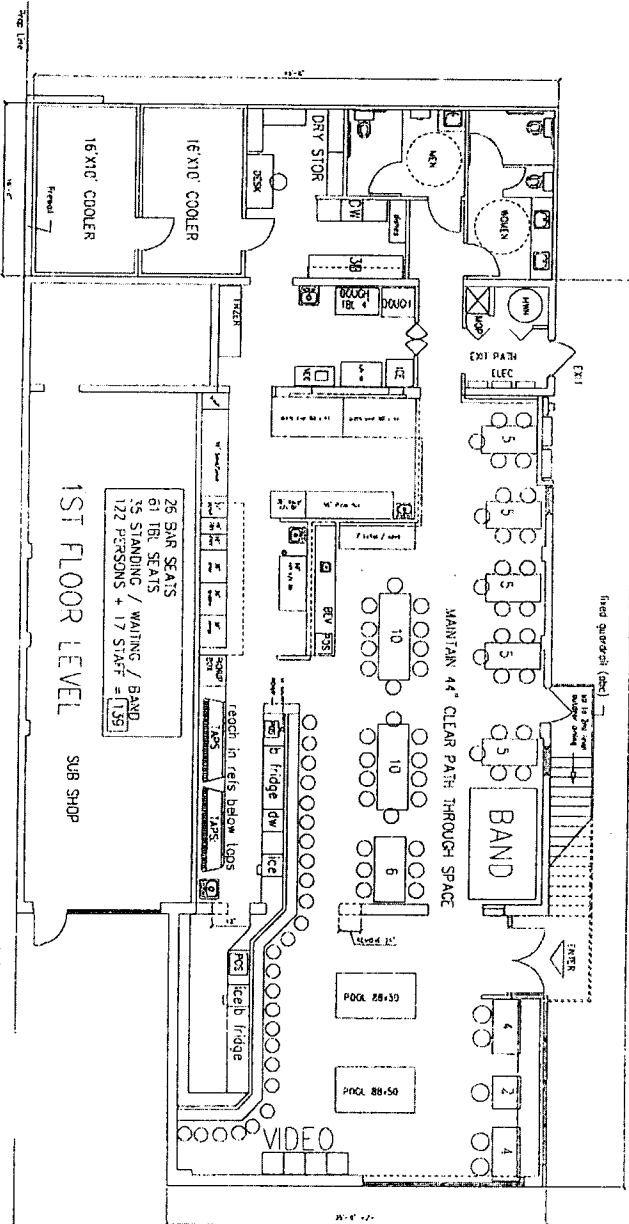
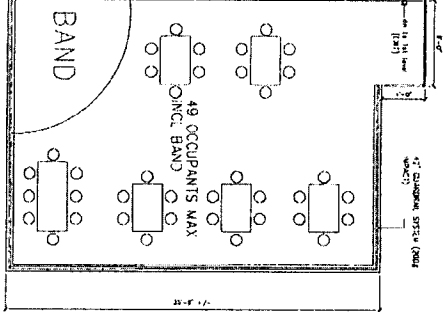
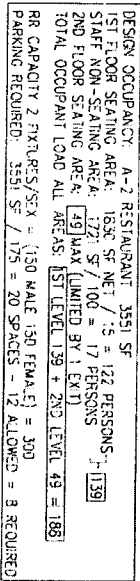
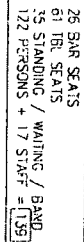
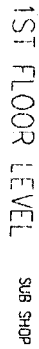
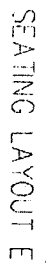
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

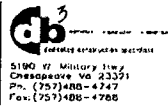
(Revised July 2013)

Floor Plan E



PRELIMINARY DESIGN
COGANS PIZZA
COLLEY AVE
NORFOLK, VA

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9-A

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Floor Plan F (potential for 2 bands)

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

56
26
40

b. Outdoor

Number of seats

38

c. Number of employees

17

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 188

2. Entertainment

List ANY type of entertainment proposed other than a 9 member live band, karaoke, comedian, or poetry reading.

No amplified live bands on rooftop; all rooftop live music will end by 10pm nightly

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

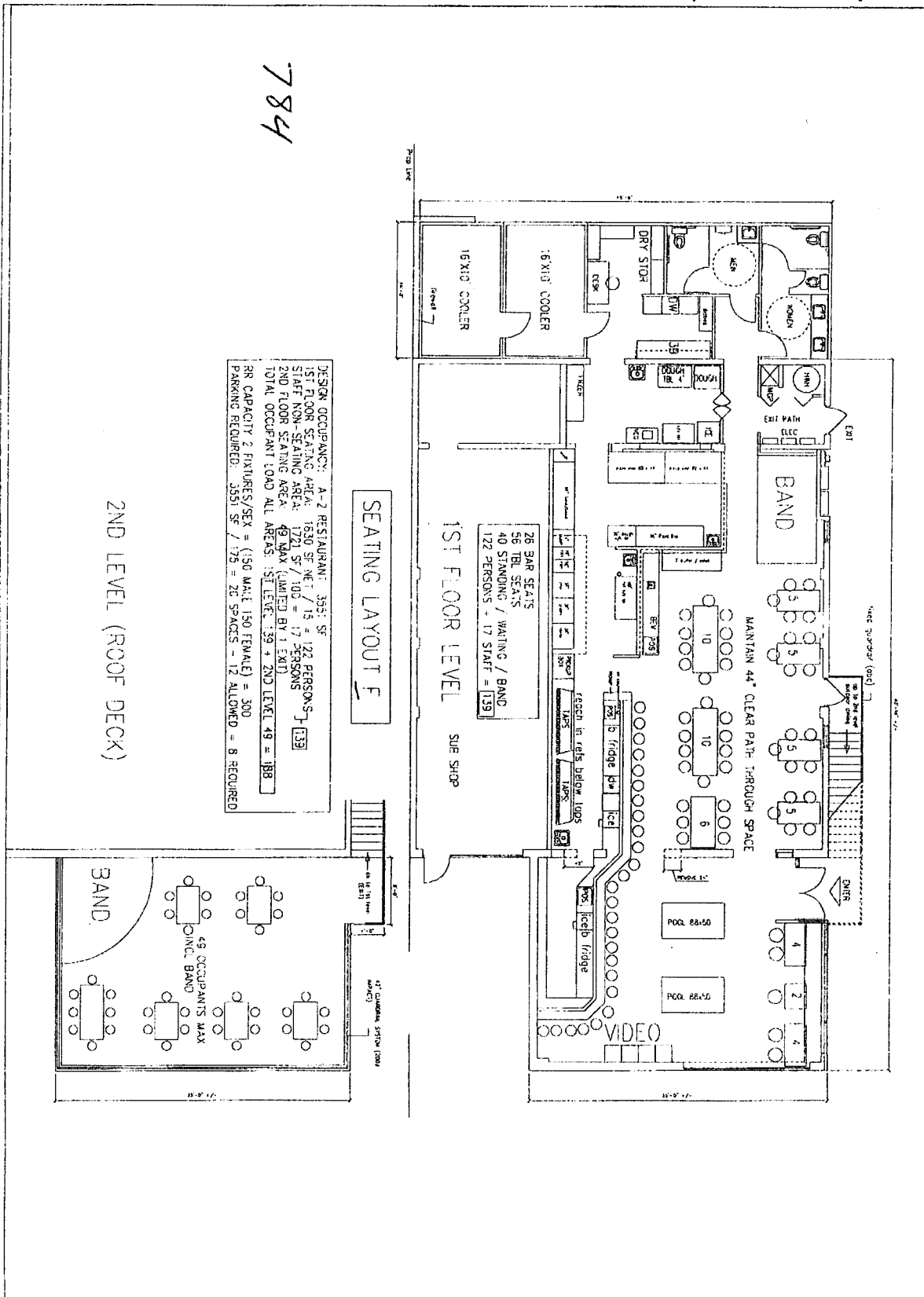
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

784



DESIGN OCCUPANCY: A - 2 RESIDENTIAL: 3351; ST
1ST FLOOR SEATING AREA: 1630 SQ. FT. / 15 = 122 PERSONS } 139
STAFF NON-SEATING AREA: 4722 SQ. FT. / 10.2 = 463 PERSONS }
2ND FLOOR SEATING AREA: 49 MAX. (LIMITED BY 1 EXIT)
TOTAL OCCUPANT LOAD ALL AREAS: 1ST FLOOR: 39 + 2ND LEVEL: 49 = 188
GR. CAPACITY 2 FLOORS/SECT = (150 MAX. 150 FEMALE) = 300
PARKING REQUIRED: 3351 ST. / 15 = 223 SPACES - 12 ALLOWED = 8 REQUIRED

SEATING LAYOUT

2ND LEVEL (ROOF DECK)

1ST FLOOR LEVEL

26 BAR SEATS
56 TBL SEATS
40 STANDING / WAITING / BAND
122 PERSONS + 17 STAFF = 139

MAINTAIN 44" CLEAR PATH THROUGH SPACE

POQ 88,50

VIDE

BAND

2X
C

PRELIMINARY DESIGN
LOGANS PIZZA
COLLEY AVE
NORFOLK, VA


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db³ environment • technology • people
definite construction specialists

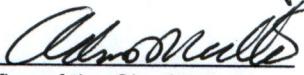
5150 W. Military Hwy
 Chesapeake Va 23321
 Ph: (757)488-4747
 Fax: (757)488-4788




100

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO COGANS PIZZA, LLC AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "COGAN'S PIZZA" ON PROPERTY LOCATED AT 4311 COLLEY AVENUE, SUITE B.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Cogan's Pizza, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Cogan's Pizza" on property located at 4311 Colley Avenue, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 50 feet, more or less, along the western line of Colley Avenue, beginning 50 feet, more or less, from the southwest corner of Colley Avenue and 44th Street and extending southwardly; premises numbered 4311 Colley Avenue, Suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles with the exception of refillable containers at least 32 oz. capacity.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review

by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 3/6/14

Name of business: COLANS PIZZA

Address of business: 4311 COLLEY AVE, SUITE B

Name(s) of business owner(s)*: DAVID FILIPOWSKI RICHARD KATZ

Name(s) of property owner(s)*: DAVID FILIPOWSKI RICHARD KATZ

Name(s) of business manager(s)/operator(s): DAVID FILIPOWSKI, RICHARD KATZ

Daytime telephone number (): 757 226 8341

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6 AM</u> To <u>2 AM</u>	Weekday From <u>6 AM</u> To <u>12 AM</u>
Friday From <u>6 AM</u> To <u>2 AM</u>	Friday From <u>6 AM</u> To <u>12 AM</u>
Saturday From <u>6 AM</u> To <u>2 AM</u>	Saturday From <u>6 AM</u> To <u>12 AM</u>
Sunday From <u>6 AM</u> To <u>2 AM</u>	Sunday From <u>6 AM</u> To <u>12 AM</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☐ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

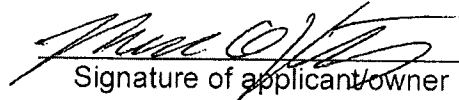
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


Signature of applicant/owner

**Cogan's Pizza – 4311 Colley Avenue, Suite B
Entertainment Establishment Conditions**

- (a) The hours of operation for the establishment shall be from 6:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages for and for indoor live entertainment shall be from 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours of operation for outdoor live entertainment shall be from 10:00 a.m. until 10:00 p.m., seven days a week.
- (d) The seating for the establishment shall not exceed 88 seats indoors, 46 seats outdoors on the rooftop, and the total occupant capacity, including employees, shall not exceed 188 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (e) A landscape plan shall be submitted to the Department of Recreation Parks and Open Space for review and approval. The landscaping shall be installed maintained in accordance with the approved plan, to include plantings up to four (4) feet in height, immediately adjacent and along the inside of both sidewalks along Colley Avenue and West 44th Street, in accordance with the approved Central Hampton Boulevard Area Plan.
- (f) There shall be no amplification of any entertainment that is provided outdoors on the rooftop.
- (g) In order to maintain compliance with applicable fire safety regulations, no portion of the rooftop dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the rooftop shall be heated or cooled.
- (h) There shall be no signage or electronic display, including no television, located on the second floor or second story of the building such that it is visible from any portion of a public right-of-way.

- (i) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (j) Entertainment shall be limited to live bands having no more than 9 members, karaoke, comedians, poetry reading, and open microphone. No other form of entertainment is permitted.
- (k) There shall be no dancing and no dance floor provided.
- (l) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (m) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (n) The establishment shall maintain a current, active business license at all times while in operation.
- (o) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (p) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (q) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the

premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (r) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (s) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (t) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (u) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (v) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

- (w) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (x) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

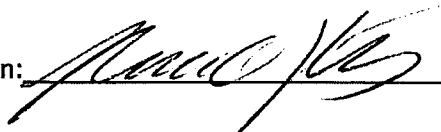
- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (y) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (z) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);

- (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (aa) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 141 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (bb) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Print Name: RICHARD KATZ

Sign: 

Date: 4/18/14


Cogan's Pizza – 4311 Colley Avenue, Suite B
Sale of Alcoholic Beverages for Off-Premises Consumption Conditions

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 a.m. midnight, seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and

binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Print Name: RICHARD KATZ

Sign:  Date: 4/18/14

Location Map

44TH STREET

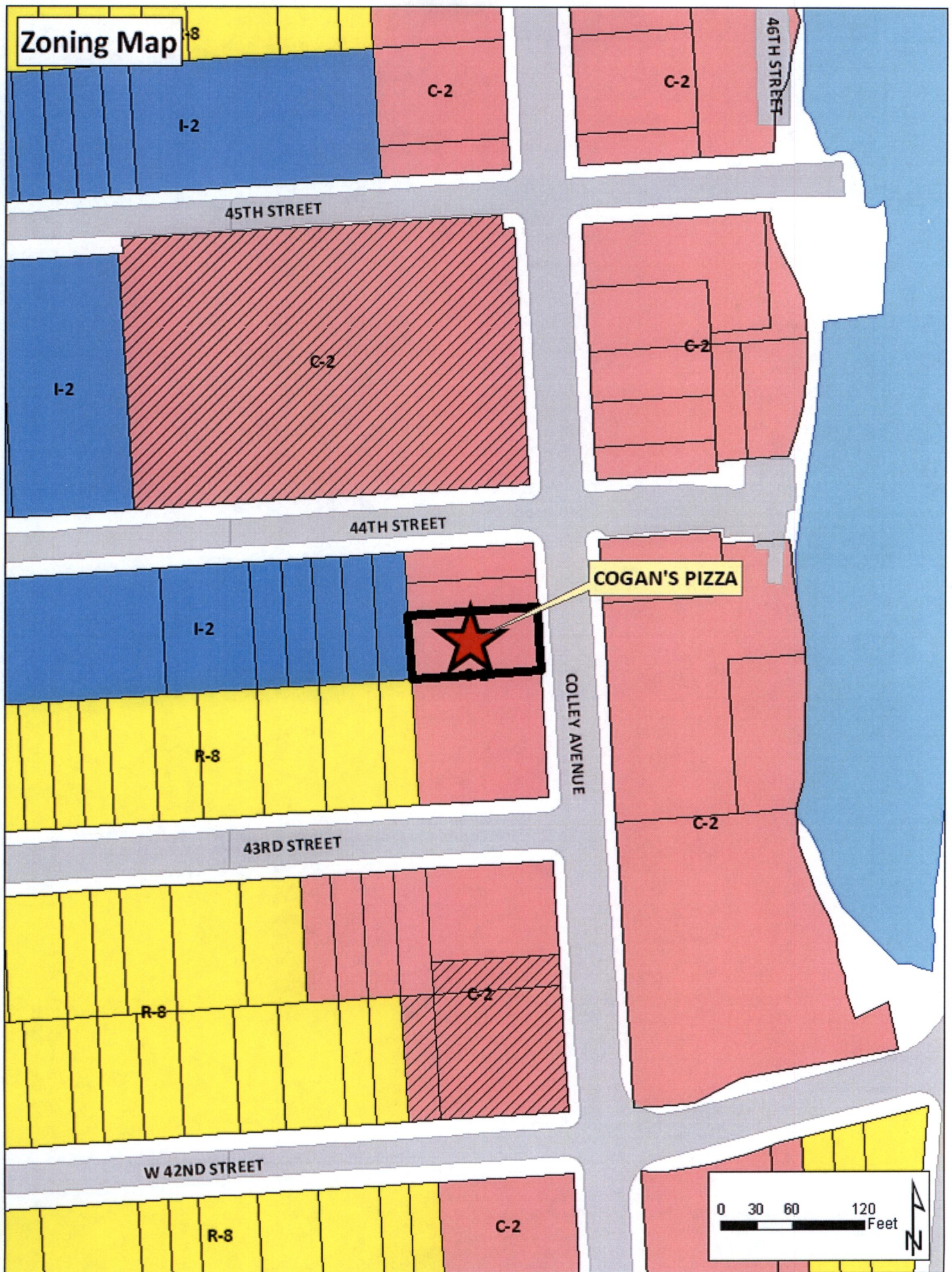
COGAN'S PIZZA

COLLEY AVENUE

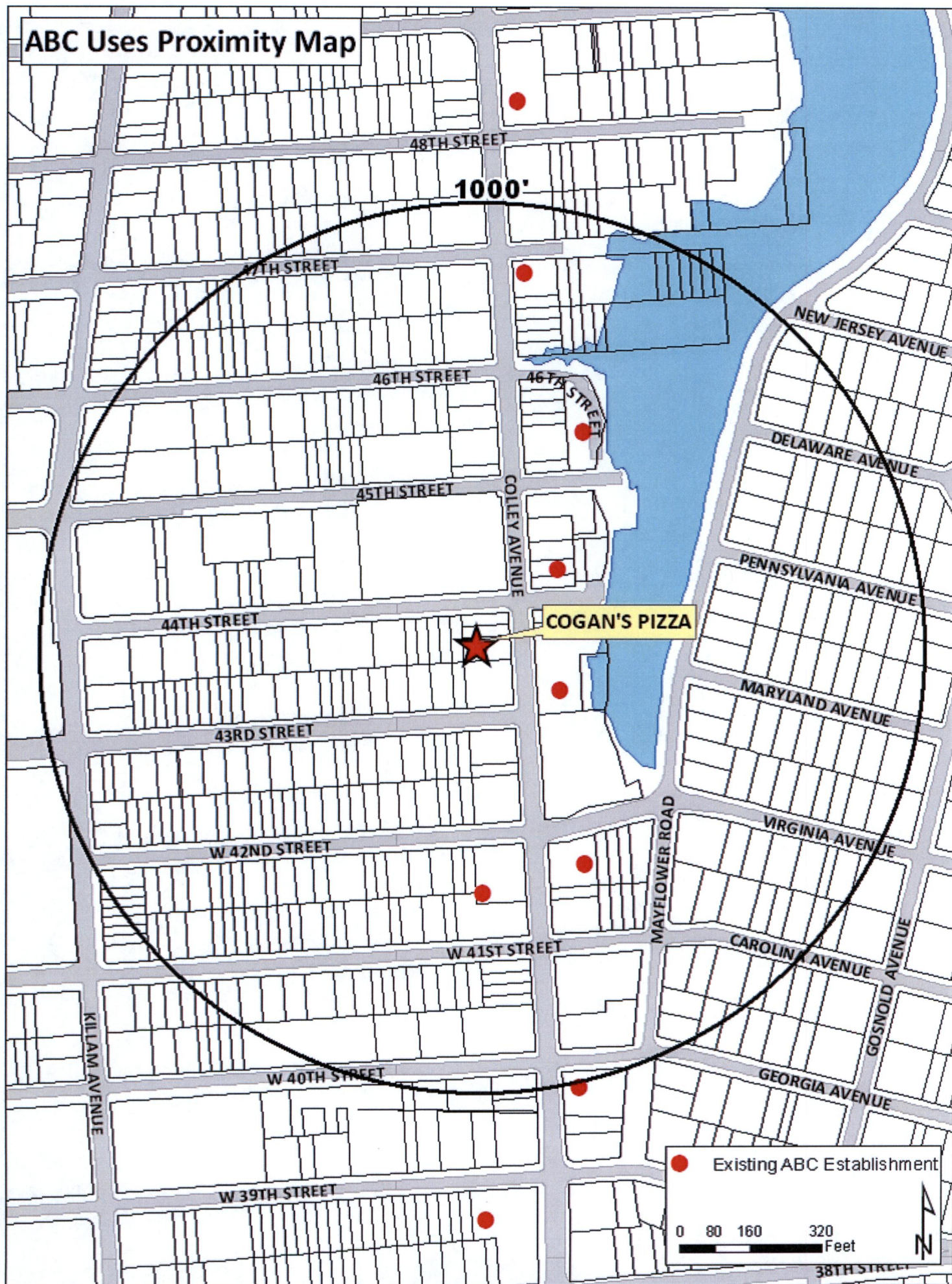
0 5 10 20
Feet



Zoning Map



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date 1/27/13

DESCRIPTION OF PROPERTY

Address 4311 Colley Ave, Suite B

Existing Use of Property None

Proposed Use Restaurant / BAR

Current Building Square Footage 3,000^{sq}

Proposed Building Square Footage 3,551^{sq}

Trade Name of Business (If applicable) Cogans Pizza

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) Katz JR (First) Richard (MI) A

Mailing address of applicant (Street/P.O. Box) 523 W 24th St 76d

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 971 4477 Fax number (757) 2268342

E-mail address of applicant office @ Cogans pizza . com

2. Name of property owner (Last) Katz JR (First) Richard (MI) A

Mailing address of property owner (Street/P.O. box) 523 W. 24th St 76d

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 971 4477 Fax number (757) 2268341

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Application
Entertainment Establishment
Page 2

CONTACT INFORMATION

Civic League contact HIGHLAND PARK DALE RYDER

Date(s) contacted _____

Ward/Super Ward information WARD-2 TERESA WHIBLY SUPER WARD-7
ANGELIA WILLIAMS

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Richard Katz JR Sign: [Signature] 2/14/2014
(Property Owner or Authorized Agent Signature) (Date)

Print name: Richard Katz JR Sign: [Signature] 2/14/2014
(Applicant or Authorized Agent Signature) (Date)

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(Revised July 2013)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 03/06/2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4311 (Street Name) Colley Ave, Suite B

Existing Use of Property currently vacant was laundromat prior

Current Building Square Footage 2802

Proposed Use FULL SERVICE RESTAURANT

Proposed Building Square Footage 3627

Trade Name of Business (If applicable) COGANS PIZZA

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) KATZ (First) RICHARD (MI) A

Mailing address of applicant (Street/P.O. Box): 523 W 24TH ST Suite 75D

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 226-8341 Fax number (757) 226-8342

E-mail address of applicant: RICHKATZJR@AOL.COM

2. Name of property owner: (Last) RICHARD (First) KATZ (MI) A

Mailing address of property owner (Street/P.O. box): 523 W 24TH ST Suite 75D

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 226-8341 Fax number (757) 226-8342

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: HIGHLAND PARK CIVIC LEAGUE

Date(s) contacted: 3/13/14 4/10/14

Ward/Super Ward information: WARD 2 TERESA WHIBLEY SUPERWARD 7 ANLEHA WILLIAMS

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: RICHARD KATZ Sign: [Signature] 03/06/2014
(Property Owner or Authorized Agent Signature) (Date)

Print name: RICHARD KATZ Sign: [Signature] 03/06/2014
(Applicant or Authorized Agent Signature) (Date)

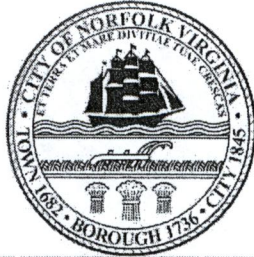


EXHIBIT "A"

Description of Operations Off-Premises Sale of Alcoholic Beverage

Date of Application: 3/6/14

Name of business: COLANS PIZZA

Address of business: 4311 COLLEY AVE, Suite B

Name(s) of business owner(s)*: DAVID FILIPOWSKI RICHARD KATZ

Name(s) of property owner(s)*: DAVID FILIPOWSKI RICHARD KATZ

Name(s) of business manager(s)/operator(s): DAVID FILIPOWSKI, RICHARD KATZ

Daytime telephone number (): 757 226 8341

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	<u>6 AM</u>	To	<u>2 AM</u>	Alcoholic Beverage Sales			
Weekday	From <u>6 AM</u>	To	<u>2 AM</u>	Weekday	From	<u>6 AM</u>	To <u>12 AM</u>
Friday	From <u>6 AM</u>	To	<u>2 AM</u>	Friday	From	<u>6 AM</u>	To <u>12 AM</u>
Saturday	From <u>6 AM</u>	To	<u>2 AM</u>	Saturday	From	<u>6 AM</u>	To <u>12 AM</u>
Sunday	From <u>6 AM</u>	To	<u>2 AM</u>	Sunday	From	<u>6 AM</u>	To <u>12 AM</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☐ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


Signature of applicant/owner

April 3, 2014

Dale Ryder
President, Highland Park Civic League
824 West 49th Street
Norfolk, VA 23508

Dear Mr. Ryder:

The Planning Department has received applications for the following Special Exceptions on behalf of Cogan's Pizza on property located at 4311 Colley Avenue:

- a. For the operation of an Entertainment Establishment with alcoholic beverages
- b. For the operation of an Establishment for the Sale of Alcoholic Beverages for Off-Premise Consumption

These requests are tentatively scheduled for the April 24, 2014 City Planning Commission public hearing.

Summary

These requests would allow Cogan's Pizza to operate a restaurant with entertainment options and serve alcoholic beverages to its customers for on and off-premise consumption. The sale of single servings of wine and beer would not be allowed.

	Proposed
Hours of Operation	6:00 a.m. until 2:00 a.m. seven days a week
Hours for Indoor Entertainment	10:00 a.m. until 2:00 a.m. seven days a week
Hours for Rooftop Entertainment (no amplified live bands – acoustic only)	10:00 a.m. until 10:00 p.m. seven days a week
Hours for the Sale of Alcohol for On-Premise Consumption	10:00 a.m. until 2:00 a.m. seven days a week
Hours for the Sale of Alcohol for Off-Premise Consumption	6:00 a.m. until 12:00 midnight, seven days a week
Seating Capacity	<ul style="list-style-type: none"> • 88 seats indoor • 46 seats outdoor (rooftop) • 188 total capacity
Entertainment	<ul style="list-style-type: none"> • nine-member band • karaoke • comedian • poetry reading • open microphone

If you would like additional information on the requests, you may contact the applicant, Richard Katz, Jr., at (757) 971-4477 or you may telephone Matthew Simons within the Planning Department at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in blue ink that reads "Matt Simons".

Matthew Simons, CFM
City Planner II

cc: Vanessa Seals, Senior Neighborhood Development Specialist
Vanessa.Seals@norfolk.gov or (757) 823-4357

HIGHLAND PARK CIVIC LEAGUE

824 W. 49th Street
Norfolk, VA 23508
highlandpark_cl@yahoo.com

April 22, 2014

Matthew Simons, CFM
City Planner II
City of Norfolk
508 City Hall Building
Norfolk, VA 23510

Re: Cogan's Pizza Applications for Special Exceptions, 4311 Colley Avenue

Dear Mr. Simons:

On March 13, 2014, and April 10, 2014, the Highland Park Civic League met with Richard Katz and David Filipowski and reviewed their applications to operate an entertainment establishment with alcoholic beverages and for the sale of alcoholic beverages for off-premises consumption submitted on behalf of Cogan's Pizza.

By majority vote, the Civic League has no objection to the application for the sale of alcoholic beverages for off-premises consumption as presented.

By majority vote, the Civic League objects to the application to operate an entertainment establishment with alcoholic beverages unless the following conditions are met:

1. No outdoor seating or service after midnight; and
2. Especially, no outside amplification of sound after 10 p.m. Sunday through Thursday nights and after midnight Friday and Saturday nights.

Mr. Katz and Mr. Filipowski were notified of the Civic League's decision and indicated that they would like to meet with the Civic League again. We would be happy to do so; however, our next meeting is scheduled for May 8th, weeks after this matter is scheduled for presentation at the April 24th City Planning Commission Public Hearing.

If you have any questions or need any additional information, please feel free to contact me at 757-619-2880 or Wendy Hazel at 757-717-5557.

Thank you for your consideration.

T. Dale Ryder, President
Highland Park Civic League